IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6050 of 2007()

CRMP.1156/2007 of DISTRICT COURT, KALPETTA
[CRIME NO.135/2007 OF KENICHIRA POLICE STATION]

.....

: PETITIONER/IST ACCUSED

WILSON THOMAS, S/O.THOMAS, AGED 31,
ANACHALIL HOUSE, ATHIRATTUKUNNU, KENICHIRA,
SULTHAN BATHERY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.N.J.ANTONY

RESPONDENTS: COMPLAINANT/STATE

---

1. SUB INSPECTOR OF POLICE, KENICHIRA.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6050 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations under Section 498A I.P.C. Marriage took place on 31/5/2004. The spouses are blessed with one child. The de facto complainant/wife has lodged a complaint before the police and accordingly the crime was registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioner. In coming to this conclusion, I take note of the fact that arrest and incarceration of the petitioner is likely to mar the matrimonial tie beyond repair. I further take note of the submission of the learned Public Prosecutor that no physical injury has resulted in the alleged physical violence inflicted on the victim by the petitioner. Appropriate conditions can, of course, be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 15/10/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 16/10/2007 and 17/10/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 15/10/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 15/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007